

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff

v.

PHILIP M. POPA, JR.,

Defendant

CASE NOS.: 5:18-CR-448

JUDGE BENITA Y. PEARSON

MOTION TO APPOINT EXPERT

Now comes the Defendant Philip M. Popa, Jr., by and through the undersigned counsel, and respectfully requests that this Court appoint Tami Loehrs of Loehrs Forensics, LLC as an expert in this matter. Ms. Loehrs CV is attached to her affidavit which is attached hereto.

Ms. Loehrs is a digital forensics expert and owner of Loehrs Forensics, LLC a firm specializing in digital forensics. She has completed hundreds of hours of forensics training including courses with Guidance Software and Access Data and is an EnCase Certified Examiner (EnCE), an Access Data Certified Examiner (ACE), a Certified Computer Forensic Examiner (CCFE) and a Certified Hacking Forensic Investigator (CHFI) and has conducted seminars on Computer Forensics and Electronic Discovery throughout the United States. She has hundreds of forensics exams on thousands of pieces of evidence including hard drives, cell phones, removable storage media and other electronic devices. She has also been the digital forensics expert on over 500 child pornography cases and has testified over 120 times in State, Federal and international Courts.

Mr. Popa is requesting Ms. Loehrs be appointed as an expert in this matter to assist the undersigned in both understanding and addressing the digital forensics at the heart of this matter.

While the undersigned had endeavored to speak to a local expert, it became clear after speaking to Ms. Loehrs that someone with her knowledge and experience was necessary to provide effective assistance of counsel to Mr. Popa. Ms. Loehrs has already identified several areas that require further inquiry after reviewing the documents provided by the Government in discovery. Those areas are addressed in her Affidavit, also attached hereto, and include concerns with statements made in the Affidavit in support of the search warrant regarding what was discernable prior to obtaining the warrant and the use of the law enforcement software. She further has opined that an independent forensic analysis of Mr. Popa's computer is necessary to provide a complete defense.

For the foregoing reasons, Mr. Popa respectfully requests that this Court appoint Ms. Loehrs as an expert and provide a budget that allows for 40 hours to conduct a forensic examination of the evidence, prepare a detailed report and supplement her Affidavit if necessary. See Affidavit, ¶ 22.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed this 11th day of February, 2019. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Andrea Whitaker

Andrea Whitaker